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COUNTY OF ALAMEDA, GREGORY J. AHERN,
and DEREK POPE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LOUIS POLK, JR., and JOZETTE
LESTER,

Plaintiffs,

vs.

COUNTY OF ALAMEDA, a governmental
entity; GREGORY J. AHERN,
individually, and in his capacity as Sheriff
for COUNTY OF ALAMEDA; DEREK
POPE, and; DOES 1-25, inclusive,
individually, and in their capacity as deputy
sheriffs and/or employees of COUNTY OF
ALAMEDA,

Defendants.

Case No. C-13-04790 KAW

Date Action Filed: October 15, 2013

UPDATED JOINT CASE MANAGEMENT
CONFERENCE STATEMENT; AND
STIPULATION AND ~~PROPOSED~~ ORDER

Honorable Magistrate Judge
Kandis A. Westmore

The parties, by and through their attorneys, submit the following Updated Joint Case Management Conference Statement; and Stipulation and ~~Proposed~~ Order, as follows:

UPDATED JOINT CASE MANAGEMENT CONFERENCE STATEMENT

Plaintiff, LOUIS POLK, JR., is deceased. There has been delay by Plaintiffs' counsel in contacting and conferring with Plaintiff JOZETTE LESTER, daughter of LOUIS POLK, JR., regarding whether or not she wished to continue prosecuting this case on her father's behalf or on her own behalf, based on the grounds as set forth in the Complaint. Plaintiffs' counsel, Ms. Libet, apologizes to the Court for this delay. Plaintiffs' counsel, Ms. Libet, has now contacted JOZETTE LESTER, who has decided that she does wish to continue prosecuting this case on her father's behalf, and on her own behalf. As a result of the delay in finalizing this decision, Plaintiffs have also delayed in responding to Defendants' requests to set a mediation date in May. Defendants' clients and counsel are now unavailable the last three weeks of May.

In order to proceed, Plaintiffs' counsel must also file a First Amended Complaint substituting in the caption and in the Complaint that Plaintiffs' status has changed as follows: "JOZETTE LESTER, individually, and as personal representative of the ESTATE OF LOUIS POLK, JR." Defendants anticipate stipulating to that filing as long as Plaintiffs provide to them adequate evidence that Ms. Lester is the proper personal representative as defined under the California Code of Civil Procedure to proceed with the case.

The parties agree that these circumstances require that the cutoff date for completion of the mediation be moved. Plaintiffs also believe that it would be more efficient to proceed with mediation after the parties have served written discovery and served their responses to that discovery.

STIPULATION AND ~~PROPOSED~~ ORDER

All parties to this action stipulate and agree, by and through their respective counsel, as follows:

1. Plaintiffs will by May 14 provide Defendants with the evidence of Ms. Lester's successor status. Plaintiffs will be prepared to file within two days of Defendants' acceptance of that evidence an amended complaint that will contain only the change to the Plaintiffs' status to state

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“JOZETTE LESTER, individually, and as personal representative of the ESTATE OF LOUIS POLK, JR.,” in substitution for “LOUIS POLK, JR. and JOZETTE LESTER.”

2. The parties agree that the last date for completion of the Mediation Conference should be moved to occur after Plaintiffs file the First Amended Complaint until either the end of June or July. Plaintiffs believe that the date should be the end of August to allow for written discovery.

Accordingly, the parties respectfully request that the Court enter the proposed order.

DATED: May 7, 2014

LAW OFFICES OF JOHN L. BURRIS

LAW OFFICES OF GAYLA B. LIBET

By: /s/ Gayla B. Libet
Attorneys for Plaintiffs

DATED: May 7, 2014

FOSTER EMPLOYMENT LAW

By: /s/ Peter H. Goldsmith
PETER H. GOLDSMITH
Attorney for Defendants
COUNTY OF ALAMEDA, GREGORY J. AHERN,
and DEREK POPE

ORDER

PURSUANT TO STIPULATION IT IS SO ORDERED. THE FINAL DATE TO COMPLETE THE MEDIATION IN THIS CASE IS August 29, 2014.

DATED: May 8, 2014


KANDIS A. WESTMORE
United States District Court Magistrate Judge